

GUIDELINES FOR PAYMENT OF ATTORNEY'S FEES IN CHAPTER 13 CASES

A. Fee Applications.

Motions to dismiss, convert, or reconvert, excluding Trustee's Notices of Default regarding plan payments:	\$ 450
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3. If an executed copy of the “Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys” is not filed, counsel has accepted more than the amount authorized in A.1.(b) without court approval, or there is an objection, an order will not be entered automatically pursuant to these Guidelines.
4. If counsel elects to be paid other than pursuant to these Guidelines, all fees including the retainer must be approved by the court whether or not the fees are payable through the Chapter 13 Trustee’s Office and whether or not fees are paid for services in connection with the Chapter 13 case.
5. If counsel applies for fees, counsel must comply with Rules 2002 and 2016 of the Federal Rules of Bankruptcy Procedure, as well as the “Guidelines for Compensation and Expense Reimbursement of Professionals” adopted by the Bankruptcy Judges of the Northern District of California.
6. Counsel may request reimbursement of out-of-pocket court fees advanced, even if counsel elects to receive the automatic fees available in Paragraph 2.
7. On its own motion or the motion of any party in interest, the court may order a hearing to review any fee whether paid or unpaid.

B. DISTRIBUTION OF FUNDS IN CHAPTER 13 CASES.

Payments shall be disbursed in the following order:

1. \$750 towards attorney’s fees, less any amount received pre-filing as a retainer;
2. To secured creditors and the balance of attorney’s fees. Those secured creditors that are specified in the plan to receive fixed monthly payments will be paid the amount specified. If fixed monthly payments are specified in the plan for all secured creditors, the balance of the plan payment will be disbursed toward attorney’s fees. If fixed monthly payments are not specified in the plan for all secured creditors, secured claims without fixed monthly payments and the balance of attorneys fees will be pro-rated;
3. To priority creditors in the order prescribed by the Bankruptcy Code;
4. To unsecured creditors.